

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

HECTOR ARMANDO RODRIGUEZ,

Petitioner,

No. C 06-7462 PJH (PR)

vs.

**ORDER OF DISMISSAL**

DERRAL ADAMAS, Warden,

Respondent.

This is a habeas case filed pro se by a state prisoner. Respondent's motion to dismiss the petition as mixed was granted and petitioner was ordered to elect among the three choices available to petitioners whose petition is mixed. He was warned that if he did not make the election within thirty days the case would be dismissed. The order was entered on February 5, 2008.

Petitioner has not responded to that order, but on May 5, 2005, he filed a notice of change of address. In it he also asks for copies of any orders entered in the month of April, of which there were none.

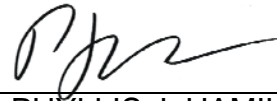
The notice of change of address was filed so long after the court's February order that it is unlikely that petitioner failed to receive that order because of his move, and his reference to documents filed in April obviously does not imply that he did not receive the February order. Presumably petitioner filed the notice of change of address simply wants to be sure he receives the order of dismissal, perhaps with an eye to appealing. If this is not true, he should move to reconsider this dismissal, and in the motion make the required election and explain why he did not respond within thirty days.

///

1 Because the petition is mixed, this case is **DISMISSED**. The clerk shall close the  
2 file.

3 **IT IS SO ORDERED.**

4 Dated: May 16, 2008.



---

PHYLLIS J. HAMILTON  
United States District Judge